

### **REMARKS**

Claims 3-6, 13-20, 23-26 and 30-34 remain pending in the present application. Claims 13 and 30, directed to processes in a fluidized bed reactor are now the only independent claims. The remaining dependent claims are amended to correct antecedent basis and dependency. No new matter is entered.

Entry of the amendment is requested under 37 C.F.R. 1.116 as the amendment merely cancels claims and correct antecedent basis and dependency. The amendment raises no new issues. In the alternative, entry is requested in order to place the claims into better form for consideration on appeal.

Claims 1-7, 9, 11-15, 17, 19-28 and 30-33 are rejected under **35 U.S.C. § 102(b)** as anticipated by Long et al. (WO 01/09203) in view of Geosoft (Geosoft Technical Note). Applicants traverse this rejection, since Long et al. fails to disclose or suggest acquiring Raman spectra *in situ* from a fluidized bed polymerization reactor, as required by the independent claims.

In contrast, Long et al. disclose *in situ* analysis from a slurry loop polymerization reactor (page 1, lines 13-14). In rejecting original claim 7, hereby canceled, the Examiner directs attention to the abstract for the proposition that Long et al. disclose a fluidized bed reactor (Office Action, page 5, bottom). Applicants respectfully submit that such is clearly not the case, and that as cited above, Long et al. disclose liquid/solid phase reactions, i.e. a slurry loop reactor.

The present claims are directed to use of the disclosed process in a fluidized bed reactor, wherein polymerization is conducted in a gas/solid phase (see paragraph [0004] of the specification).

Withdrawal of the rejection is requested for lack of anticipation on this basis.

Further, the skilled artisan would have had no expectation of success in conducting *in situ* Raman spectroscopy in a fluidized bed polymerization reactor based

upon the Long et al. disclosure, since the concentration and density of the sample in a fluidized bed reactor is so much less as compared to those in a slurry loop reactor.

Claims 8, 10, 16, 18, 29 and 34 are rejected under **35 U.S.C. § 103(a)** as obvious over Long et al. (WO 01/09203) in view of Geosoft (Geosoft Technical Note). Applicants traverse this rejection, since neither Long et al. nor Geosoft disclose or suggest acquiring Raman spectra *in situ* from a fluidized bed polymerization reactor, as required by the independent claims.

Applicants reiterate their comments in traverse of the application of Long et al. as to the present claims, as set forth above. Geosoft fails to cure the deficiencies of Long et al.

Clearly, Long et al., even in combination with Geosoft, fails to teach or even suggest each and every claim limitation. Withdrawal of the rejection for failure to establish a *prima facie* case of obviousness as to the present claims is requested.

Claims 1-8, 13-16 and 21-34 are rejected on the grounds of nonstatutory obviousness-type double patenting over claims 1-26 of U.S. Patent No. 7,116,414 in view of Long et al. Upon notice of allowable claims in the present application, Applicants will consider filing of a terminal disclaimer over U.S. Patent No. 7,116,414.

Applicants earnestly solicit a notice of allowance as to the present claims.

Applicants invite the Examiner to telephone the undersigned attorney, if there are any issues outstanding which have not been presented to the Examiner's satisfaction. If necessary to affect a timely response, this paper should be considered as a petition for Extension of Time sufficient to affect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1712. (Atty. Docket No. 2001B101B)

Respectfully submitted,

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